

ZB# 07-31

Francis Bedetti

45-4-9

07-31 FRANCIS Bedetti (Area)
5 Continental dr. (45-4-9)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 8-27-07

07-31 Bedetti

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 45-4-9

In the Matter of the Application of

FRANCIS BEDETTI

MEMORANDUM OF
DECISION GRANTING

USE VARIANCE

CASE #07-31

WHEREAS, FRANCIS BEDETTI, owner(s) of 5 Continental Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for shed, 7 foot side yard setback and 7 foot rear yard setback and addition, 6.5 foot side yard setback and 10.7 foot total side yard setback for proposed shed and addition at 5 Continental Drive.

WHEREAS, a public hearing was held on August 27, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one member of the public present; and

WHEREAS, one member one of the public was either opposed to the application or had no opinion; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a one family residence located in a neighborhood of one family residences.
 - (b) Applicant seeks to replace an existing shed with a slightly larger shed and to construct an addition.
 - (c) The existing shed was in place for approximately 15 years, the proposed shed will go on the footprint of the old shed only it will be slightly larger.

- (d) During the time that the old shed has been constructed there have been no complaints filed either formal or informal.
- (e) In building the addition or shed there will be no removal of any trees or substantial vegetation.
- (f) Either the shed or the addition will not be on top of nor interfere with any easement including, but not limited to water, sewer and electrical easements.
- (g) The proposed addition will not add any sleeping quarters or sanitary facilities to the premises. The purpose of the addition is to enlarge the size of the existing living room and dining room.
- (h) The lot is irregularly shaped.
- (i) The house is a single family residence and will remain a single family residence. The applicant does not propose to operate a business from that residence nor does he propose to create a two or multi family dwelling.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law

and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

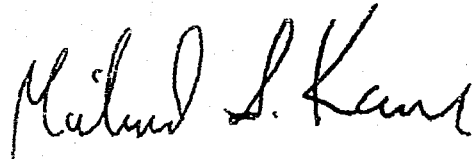
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for shed, 7 foot side yard setback and 7 foot rear yard setback and addition, 6.5 foot side yard setback and 10.7 foot total side yard setback for proposed shed and addition at 5 Continental Drive as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 27, 2007



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: June 6, 2007

**APPLICANT: Francis Bedetti III
5 Continental Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/5/07

FOR : Proposed addition.

LOCATED AT: 5 Continental Drive

ZONE: R-4 Sec/Blk/ Lot: 45-4-9

DESCRIPTION OF EXISTING SITE: Single family dwelling with proposed 8x24ft. addition.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 300-10 Use/Bulk Table R-4 Zone, line 6, Column F required side yard / total both yards (20/40),
proposed addition will be 13.5' from the side yard. A variance of 6.5' and 10.7' is required.**


BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
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ZONE: R-4 USE: Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:	20'	13.5'	6.5'
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REQ'D TOTAL SIDE TD:	40'	29.3'	10.7'
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REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

JUN 05 2007

FOR OFFICE USE ONLY:
Building Permit #: 2007-438

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Francis Beckett III

Address 5 Continental Dr. Phone # 562 2810

Mailing Address P.O. Box 12553 Fax # _____

Name of Architect Joseph Minuta

Address _____ Phone _____

Name of Contractor Self

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 45 Block 4 Lot 9

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Residential b. Intended use and occupancy Same

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? no

7. Dimensions of entire new construction. Front 8' Rear 8' Depth 24' Height _____ No. of stories 1

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms 4 1/2 Baths 4 1/2 Toilets 4 1/2 Heating Plant: Gas 4 1/2 Oil 4 1/2
Electric/Hot Air 4 1/2 Hot Water 4 1/2 If Garage, number of cars 4 1/2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$5,000.00

Fee \$50.00

PAID

ZONING BOARD

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

date _____

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and codes and that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

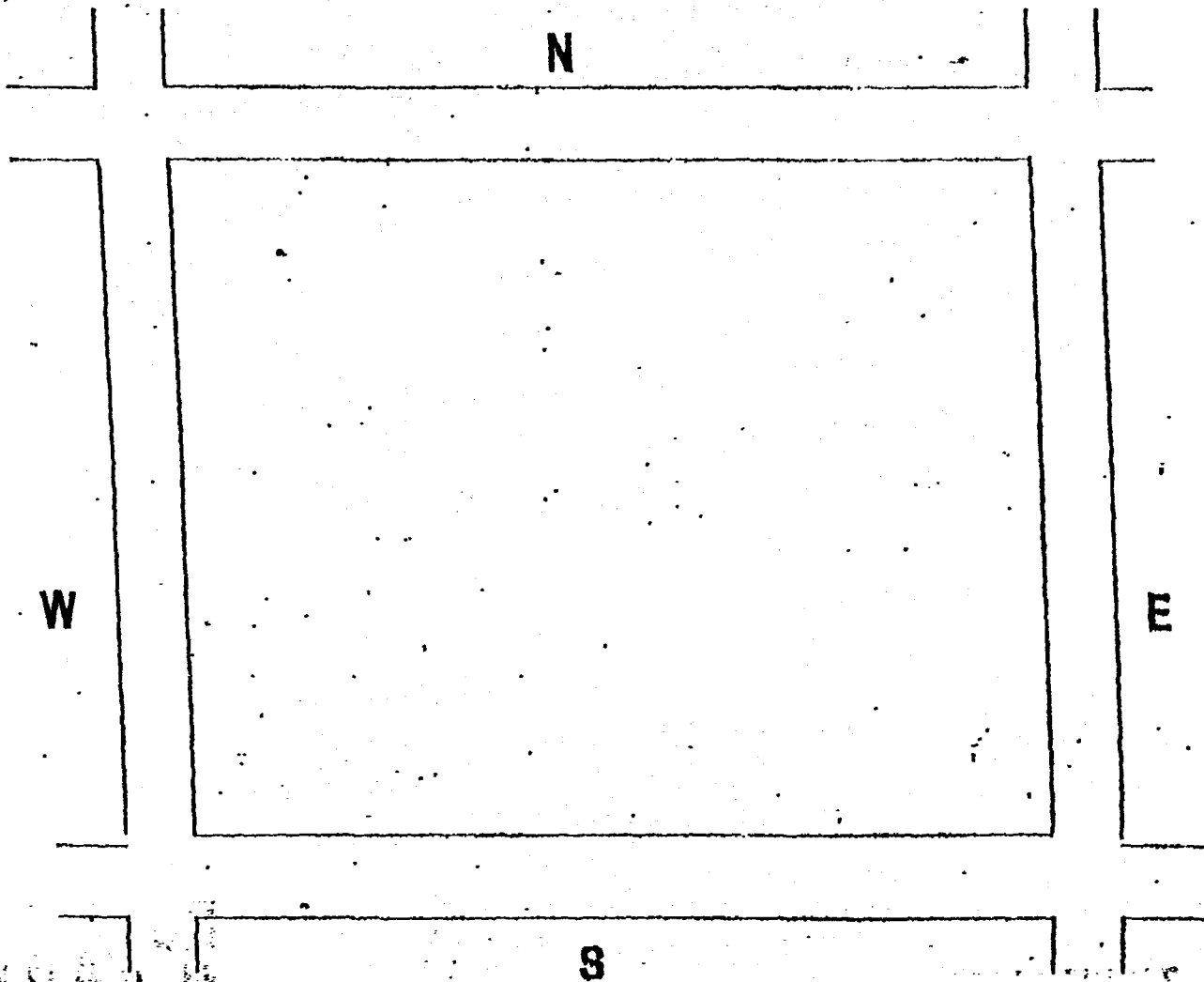
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

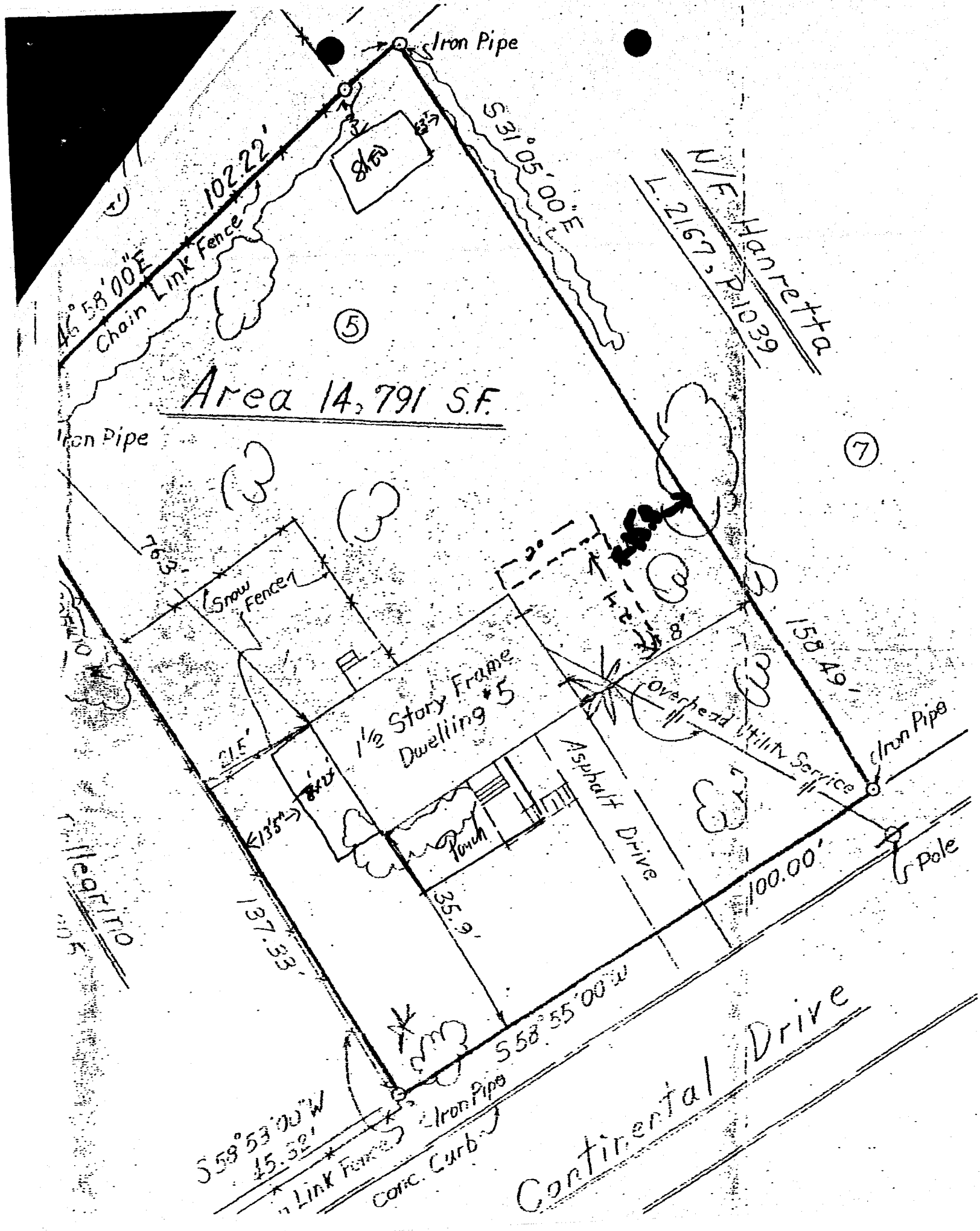
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

APPLICANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OR CORRECTIONS



DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

APPROVED







**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: NOVEMBER 9, 2007
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 104.92 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-31

NAME & ADDRESS:

**Francis Bedetti
5 Continental Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F.11/09/07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-31 TYPE: AREA TELEPHONE: 629-5101

APPLICANT:

Francis Bedetti
5 Continental Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1087</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1086



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>5</u>	PAGES	\$ <u>35.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>11</u>	PAGES	\$ <u>77.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 8/17/07 \$ 13.08

TOTAL: \$ 125.08 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 195.08

AMOUNT DUE: \$ _____

REFUND DUE: \$ 104.92

Cc:

J.F. 11/09/07

PRELIMINARY_MEETINGS:

FRANCIS_BEDETTI_(07-31)

MS. GANN: On preliminary meetings as well as public hearings what you'll have to do is when we call your name, come on up, tell us who you are, give us your name and address, tell us why you're here, we'll ask you a set of questions and the preliminary folks will need to come back for a public hearing. Folks here for the public hearing this will probably be the last night that you'll be here. So without further ado, I'd like to call to order the first preliminary meeting which is Francis Bedetti. Request for a shed and the addition at 5 Continental Drive. Good evening.

Ms. Christine Bedetti appeared before the board for this proposal.

MS. BEDETTI: He has an existing shed there. What he wants to do is make a bigger one and he's going to be moving it over so it will be 3 feet off our property line.

MR. LUNDSTROM: Where is the current shed at?

MS. BEDETTI: In our back yard.

MR. LUNDSTROM: Where on the plat, if you can show the rest of us.

MR. TORPEY: Kind of stand back and show us all, Christine.

MS. GANN: These pictures show where the shed is?

MS. BEDETTI: No.

MS. GANN: This is the shed?

June 25, 2007

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MS. BEDETTI: Yes, right, this is our property line.

MS. GANN: You want to make this current shed bigger?

MS. BEDETTI: Yes.

MS. GANN: Are you taking out this additional piece right here to make the shed bigger?

MS. BEDETTI: No, what he's going to do is go over this way, go a little bit over and come over towards the property line.

MS. GANN: What's the existing shed on now, what sort of platform is that?

MS. BEDETTI: I think it's on cement cylinders.

MS. GANN: Are you going to be using electric inside the shed?

MS. BEDETTI: No.

MS. GANN: Will this be going over any easements?

MS. BEDETTI: No.

MS. GANN: Will you be creating any water hazards in the building of the new shed?

MS. BEDETTI: No.

MS. GANN: Will this be causing any drainage problems?

MS. BEDETTI: No.

MS. GANN: And would you characterize this shed as being the same size as others that are in your neighborhood?

June 25, 2007

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MR. KRIEGER: Similar in appearance?

MS. BEDETTI: I believe so, yeah.

MS. GANN: Taking down any substantial vegetation in the building of the new shed?

MS. BEDETTI: No.

MS. LOCEY: Did you ask the same set of questions for the addition?

MS. GANN: Now for the addition, will you be creating any water hazards in the building of the addition?

MS. BEDETTI: No.

MS. GANN: Will you be running over any easements?

MS. BEDETTI: No?

MS. GANN: Will it be creating any drainage issues?

MS. BEDETTI: No.

MS. GANN: And what will exactly what will the addition look like and where is that?

MS. BEDETTI: This is the side of our house here and we're going to come out up to 8 feet and then how the front of the house is here it will make that roof like that on that side.

MR. LUNDSTROM: Can I make one suggestion? If you do go to a public hearing, would you please have that plot plan blown up and put on the easel for the benefit of all the board members and the public? Right now, the only person that's seeing that is the chairman, the rest of the board is not seeing it.

June 25, 2007

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MS. BEDETTI: Okay.

MS. GANN: Do you have these pictures Eric?

MR. LUNDSTROM: Those pictures I have.

MS. GANN: Kathleen, do you have these pictures?

MS. LOCEY: We do.

MR. LUNDSTROM: If that's these?

MS. GANN: Yes.

MS. BEDETTI: That's correct.

MS. BEDETTI: It's on that side and see how the porch extends out that roof line will meet over here so the existing porch will stay.

MR. LUNDSTROM: Just for the public hearing if you would there's an easel there if you can have it blown up so that not only us but the public can see that.

MS. BEDETTI: Okay.

MS. GANN: What will the addition be used for?

MS. BEDETTI: Extension of our living room dining room.

MS. GANN: I don't have any further questions. One last thing I don't know if I asked this already, will you be cutting down any substantial vegetation in the building of the new addition?

MS. BEDETTI: No.

MS. GANN: Okay, any other questions from the board? I'll accept a motion.

June 25, 2007

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MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Francis Bedetti for the requested variances for a proposed shed and addition to the home as detailed in the agenda of the Zoning Board of Appeals meeting date June 25, 2007.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE



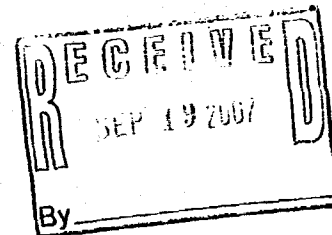
THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
9/11/2007	763

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553



		P.O. No.	Terms	Project
		<i>Null</i>		
Issue Date	Description	Rate		Amount
8/17/2007	LEGAL ADS: FRANCIS BEDETTI III 07-31	9.08		9.08
	1 AFFIDAVIT	4.00		4.00
			Total	\$13.08

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:
Appeal No. (07-31)
Request of Francis Bedetti III
for a VARIANCE of the Zoning Local Law to Permit:
Request for 7 ft. side yard and 7ft. rear yard setback for existing shed. Also, a 6.5 ft. side yard setback and 10.7 ft. total side yard setback for proposed addition at 5 Continental Drive in an R-4 Zone (45-4-9)
PUBLIC HEARING will take place on August 27, 2007
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 PM.
Michael Kane, Chairman

State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn disposes and says that she is the Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, 1 time (s) commencing on the 17th day of August A.D., 2007 and ending on the 17th day of August A.D. 2007

Kathleen O'Brien
Subscribed and shown to before me this 19th day of Sept, 2007.

Deborah Green
Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

My commission expires _____.

August 27, 2007

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FRANCIS_BEDETTI_(07-31)

MR. KANE: Request for shed, 7 foot side yard setback and 7 foot rear yard setback and addition, 6.5 foot side yard setback and 10.7 foot total side yard setback for proposed shed and addition at 5 Continental Drive.

Mr. Francis Bedetti appeared before the board for this proposal.

MR. BEDETTI: Good evening, how are you? I'm requesting two variances, one for, to replace an existing shed that I have just to make it a little bit bigger. On the diagram, my building permit you'll see the exact footprint of the existing shed as compared to the installation of the new shed.

MR. KANE: Now, the new shed, you're replacing an older shed?

MR. BEDETTI: That's correct, I submitted photos and all of my building permits, it depicts the existing shed that I've got now and basically the number 1 and number 2 side are going to stay exactly the same, I'm just going to encroach on my neighbor's setbacks a little bit.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. BEDETTI: No, sir.

MR. KANE: Any easements where the shed is?

MR. BEDETTI: No, sir.

MR. KANE: Has there been any complaints about the existing shed formally or informally?

MR. BEDETTI: No, sir.

MR. KANE: I don't know if you've got the footprint there.

MR. BEDETTI: Basically the existing one, so the number 1 number 2 side of the new shed are basically going to stay the same, I'll just need a variance for here.

MR. KANE: Three foot and the existing one was three feet off the property line?

MR. BEDETTI: Right.

MR. KANE: How long did the old shed, how long was that in existence?

MR. BEDETTI: Fifteen years.

MR. KANE: And again no complaints?

MR. BEDETTI: No, sir.

MR. KANE: That's on the shed, you want to speak to us on the proposed addition?

MR. BEDETTI: Yes, basically, I've got a Schoonmaker ranch and as most people know with the Schoonmaker ranches your living room, dining room aren't very big. As the family grows and people come over for the holidays I just don't have the room.

MR. KANE: And your addition is only coming out eight foot?

MR. BEDETTI: That's correct.

MR. KANE: You're leaving 13.5 feet for the side?

MR. BEDETTI: Yes.

MR. KANE: Side yard setback is 15, Mike?

MR. BABCOCK: Side yard today is 20, it's changed, that's the new zoning that just came in effect.

MR. BEDETTI: Yeah, that won't house any sleeping quarters or bathroom facilities, anything like that, just to make the living room, dining room a little bit bigger. Once again, there should be a photo of the front of the house and you'll see the side that we're going to be going out.

MR. KANE: Mike, the total side yard setback needs it because the deck's going to be on one side and the addition is on the other side of the house. These are going on either side so we need to do a total?

MR. BABCOCK: No, apparently he doesn't meet the total on the opposite side of the house, if you look at the house, the new zoning since he's going closer to the property line is 20 with a total of 40 and he only has a total of 29 so it requires him.

MR. KANE: So you've got to add both sides for the total?

MR. BABCOCK: That's correct.

MR. KANE: Okay, at this point, I'll ask if there's anybody in the audience for this particular hearing?

MS. BATAPAGLIA: My name is Jacqueline Batapaglia. I live at 8 Parade Place. Because I think I'm at least a few blocks from their family, I don't think I qualified for one of the letters that notifies people of a zoning variance. Might I ask can I take a look at those drawings? It might affect or modify my comments because I can't picture where these additions are.

MR. BEDETTI: There's the shed in the back yard.

MS. BATAPAGLIA: So this is your neighbor's fence, yes?

MR. BEDETTI: That's correct.

MS. BATAPAGLIA: How close to the property line is your neighbor's fence? Is it like sitting right on it?

MR. BEDETTI: I don't know.

MR. BABCOCK: It appears to be, yes.

MS. BATAPAGLIA: It appears to be okay, so this distance it looks like it tapers going towards the back between the existing sheds and the property line is how many feet?

MR. BEDETTI: Well, actually this reveal back here is much greater than what I'm requesting for a variance because it's their corner here that's going to be very close because it does taper and you're absolutely correct this area opens up, this is probably an area of maybe seven or eight feet away from my property line but that's the spot.

MS. BATAPAGLIA: And you said that you're replacing this shed with a larger one?

MR. BEDETTI: That's correct, let me show you, hold on one second here.

MS. BATAPAGLIA: I'm learning.

MR. BEDETTI: Here's the existing one, the dotted line is going to be where the new one is and that's going to be three foot away from my neighbor's fence and basically this will be three foot here and because this actually tapers this is actually a greater distance.

MS. BATAPAGLIA: Your new shed is 12 x 16 just so it

helps me visualize it our house is 24 x 40 so 12 is half of my width of my house and 16 is just a little shy of half the length of my house, so his new shed is really just a little under half the size of my house.

MR. BABCOCK: It's about one quarter of your house.

MS. BATAPAGLIA: Yeah, I'm sorry you're correct, okay, I see next to your existing shed that you also have a canopy for what looks like construction equipment?

MR. BEDETTI: That's for what I own, personal use, I've got a place upstate that I use it but my new shed I will be able to put it in there, that's the whole idea of getting 12 x 14, 16.

MS. BATAPAGLIA: So you're not going to use it as if I can be so flexible use the term as a garage for heavy equipment?

MR. BEDETTI: That's a shed for my yard tractor, yes.

MS. BATAPAGLIA: Is this what you call what you mow with?

MR. BEDETTI: Yes, I use that for my place upstate, that's absolutely correct.

MS. BATAPAGLIA: How do you get it up there?

MS. LOCEY: Doesn't matter.

MS. BATAPAGLIA: Thank you for that. If I recall next is the addition to the house, that's our next thought.

MR. KANE: If you look right here here's his existing house, there's a side line, he's coming just coming out 8 more feet.

MS. BATAPAGLIA: Eight more feet on this side, okay,

August 27, 2007

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and we're now supposed to have 20 feet and this changes it to 13?

MR. KANE: It's .5.

MS. BATAPAGLIA: So 13.5 but your addition isn't going to be level with the floor with the porch?

MR. BEDETTI: No.

MS. BATAPAGLIA: Didn't you get a zoning variance for the porch if I recall?

MR. BEDETTI: Yes, I did.

MS. BATAPAGLIA: And I might of forgotten but didn't you also get a zoning variance for the other end of the house?

MR. BEDETTI: No, I did not.

MS. BATAPAGLIA: That fit within the amount of space that you had?

MR. BEDETTI: No, I did not.

MS. BATAPAGLIA: Then when you put the addition on your house on the opposite side?

MR. BEDETTI: That was within the zoning requirements at the time.

MS. BATAPAGLIA: That was within the requirements?

MR. BEDETTI: That's correct.

MR. BEDETTI: I make it a point that none of my neighbors that I directly border are here, okay.

MR. KANE: I know.

MS. BATAPAGLIA: I'm at least three blocks away and I know when he had the porch on the front which is very nice by the way.

MR. BEDETTI: Thank you.

MR. KANE: May I ask one question, if you're three blocks away, why the detailed specifics about this home?

MR. BABCOCK: She's trying to learn.

MS. BATAPAGLIA: There's more to it than that. I have lived there for 35 years and increasingly we see even more sheds, bigger sheds closer to the line sheds, these fences that are I don't know how high but as they appear in his new in the pictures from his neighbors which again require zoning variances and the influx of businesses in our homes which then minimizes the amount of space we have for family functions because we have business space in our yards and/or in our homes. So what we're seeing is an incremental infringement on the one family residential concept where I live in that subdivision development whatever phrase is appropriate for zoning in order to accommodate businesses and ancillary equipment and it's again in increments and adding to that the number of us who have had mom come live with us and we build an entire for all practical purposes house addition with a separate entrance, separate driveway.

MR. BEDETTI: Mr. Chairman, this doesn't affect my--

MR. KANE: This doesn't affect your application.

MS. BATAPAGLIA: You asked me why I was so concerned and that's because in our area we're seeing change that we'd rather not because we purchased one family residential and as we see more and more spread and the

encroachment on our property lines which is why some of us bought homes knowing that we would always have a living environment where we had the space between homes, we're at least interested in what our neighbors do.

MR. LUNDSTROM: Mr. Chairman, may I interrupt? Ma'am, I think your comments are very appropriate and very pertinent but I think what they probably would be better addressed to is the comprehensive planning committee who could then take some of those recommendations. With us here tonight our hands are tied, the only thing we can do in this particular case is vote yes or no on the variance as requested. And I think the points you're bringing up are very important and I think I would ask you to contact the comprehensive planning committee and at least share those ideas with them.

MS. BATAPAGLIA: In the past you folks have when I have commented on things like that you have told me that when you allow a variance for something that it does not set a precedent for the future.

MR. KANE: That's correct.

MS. BATAPAGLIA: But we're saying that it's being more difficult to maintain the character of the development. I would like to, can I express a personal opinion cause up to now I think this is fact.

MR. KANE: I'd like you to stay with the issue at hand which is this piece of property.

MS. BATAPAGLIA: Thank you. I think his addition since he said he needs more space for his family and the, in the living room and dining room area for families I think this is a wonderful, wonderful thing, you know, I see that it is on the other side of his house as opposed to the other side where a paved driveway goes

back like towards that shed area, it's obvious in the picture that it is not paved all the way back, it just appears to be paved along the side of his house going back which gives the appearance of garage type storage area in the back as opposed to a shed. So I guess it's up for you folks to decide and the family is so well liked, you couldn't find a single person who would want to come tonight, they might object to it but they don't want to offend such a great neighbor, I mean, people not nearby but at a distance but we're concerned on the integrity of our one family residential.

MR. BEDETTI: Just a point of reference, I've been in that area for 47 years so I just didn't move into this area, born and raised in the town, born and raised in that area.

MR. KANE: Ma'am, are you for or against?

MS. BATAPAGLIA: His addition I say go for it, providing nobody else has an objection, it looks like he's keeping the lines on the front of the house. He said that he's not extending the porch which even that would be okay but I'm not overly thrilled with that on both sides. We're getting right up the property lines but very nice. I thank you very much and a bit of an apology for coming out tonight for what might be interpreted as not being pleased and even though he's been here for 47 years, you look even younger than that when they lived there about one year and his wife requested a variance for the side for--

MR. KANE: Not to be offensive but we've got--

MS. BATAPAGLIA: You've got business.

MR. KANE: I don't need his whole history, I'm not being offensive, we need to move on. Okay?

MS. BATAPAGLIA: Thank you.

MR. KANE: Thank you very much. Anybody else for this particular hearing? Seeing as there's none, I'll close the public portion and just going to bring it back to Mike for how many mailings we had.

MR. BABCOCK: Fifty-nine and no returns.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. BEDETTI: No, sir.

MR. KANE: For either the deck or well the shed is going right back into the where the other one was so for the addition?

MR. BEDETTI: No, sir.

MR. KANE: No easements?

MR. BEDETTI: No, sir.

MR. KANE: And no creating of water hazards?

MR. BEDETTI: No, sir.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Should we do two motions, one for the addition and one for the shed?

MR. KANE: That would be fine so there will be two proposals.

MR. LUNDSTROM: I'll make a motion that the ZBA approve the variance request by Mr. Francis Bedetti for the shed which is the 7 foot side yard setback and 7 foot rear yard setback.

August 27, 2007

27

MR. TORPEY: I second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: On the second?

MR. LUNDSTROM: I will follow that with a motion that the zoning board approve the addition for Mr. Francis Bedetti as identified on the agenda of the Zoning Board meeting August 27 regarding 6.5 foot side yard setback and 10.7 foot total side yard setback.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#501-2007

07/06/2007

Bedetti, Francis
5 Continental Drive
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 07/06/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA #07-31 Application Fee

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-05-07

FOR: ESCROW 07-31

FROM:

Francis Bedetti
5 Continental Drive
New Windsor, NY 12553

CHECK FROM:
SAME

CHECK NUMBER: 1086

TELEPHONE: 562-2810

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME J. Henneja DATE 7-6-07

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X
In the Matter of the Application for Variance of

FRANCIS BEDETTI III

AFFIDAVIT OF
SERVICE
BY MAIL

#07-31

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

JENNIFER GALLAGHER, being duly sworn, deposes and says:

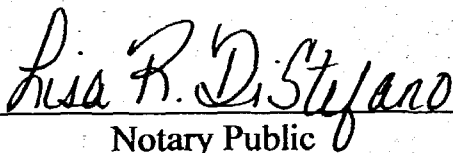
That I am not a party to the action, am over 18 years of age and reside at 25 Ona Lane, New Windsor, NY 12553.

That on the 13th day of August, 2007, I compared the 59 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this


Jennifer Gallagher

3rd day of August, 20 07


Notary Public

LISA R. DISTEFANO
Notary Public, State Of New York
No. 0101605022
Qualified In Orange County
Commission Expires 10/30/ 2010

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

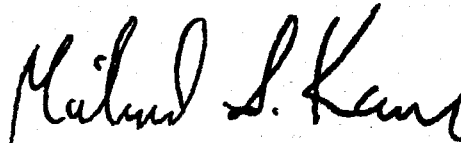
Appeal No. (07-31)

Request of Francis Bedetti III

for a VARIANCE of the Zoning Local Law to Permit:

Request for 7 ft. side yard and 7ft. rear yard setback for existing shed. Also, a 6.5 ft. side yard setback and 10.7 ft. total side yard setback for proposed addition at 5 Continental Drive in an R-4 Zone (45-4-9).

**PUBLIC HEARING will take place on August 27, 2007
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 9, 2007

Francis Bedetti
5 Continental Dr.
New Windsor, NY 12553

Re: 45-4-9

ZBA#: 07-31

(59)

Dear Mr. Bedetti:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00 minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board



45-1-3.11 & 45-1-5
William Powles
624 Blooming Grove Turnpike
New Windsor, NY 12553 ✓

45-1-15
Raymond & Jodi-Marie Ciaccio
6 Continental Drive
New Windsor, NY 12553 ✓

45-1-42
Susan Schatz
73 Blooming Grove Tpke
New Windsor, NY 12553 ✓

45-1-6
William Jones
630 Blooming Grove Turnpike
New Windsor, NY 12553 ✓

45-1-16
Mark & Lorene Vitek
8 Continental Drive
New Windsor, NY 12553 ✓

45-1-44
Daniel Jr. & Michele Volpe
19 Mark Street
New Windsor, NY 12553 ✓

45-1-7
Derek & Julia Pickles
634 Blooming Grove Turnpike
New Windsor, NY 12553 ✓

45-1-17
Jose & Hindira Cruz
10 Continental Drive
New Windsor, NY 12553 ✓

45-1-45
Mary Grace McCue
17 Mark Street
New Windsor, NY 12553 ✓

45-1-8
Ernest & Helen Kiss
640 Blooming Grove Turnpike
New Windsor, NY 12553 ✓

45-1-18
Michael & Patricia Steel
12 Continental Drive
New Windsor, NY 12553 ✓

45-3-2
Michael & Denise Kirk
26 Parade Place
New Windsor, NY 12553 ✓

45-1-9
Juergen & Maria Voelker
642 Blooming Grove Turnpike
New Windsor, NY 12553 ✓

45-1-19
Michael Bauer &
Erica Marino
14 Continental Drive
New Windsor, NY 12553 ✓

45-3-3
Frank & Kathleen Ceriello
24 Parade Place
New Windsor, NY 12553 ✓

45-1-10
Eric Tirado
Marilyn Echevarria
646 Blooming Grove Turnpike
New Windsor, NY 12553 ✓

45-1-20
Tsuneo, Sugako & Risa Tochigi
16 Continental Drive
New Windsor, NY 12553 ✓

45-3-4
Paul & Donna Sabella
22 Parade Place
New Windsor, NY 12553 ✓

45-1-11
Michael Faricellia
650 Blooming Grove Turnpike
New Windsor, NY 12553 ✓

45-1-21
James Aitken
Hilde Lazon Aitken
18 Continental Drive
New Windsor, NY 12553 ✓

45-3-5
Peter &
Clementina Grimando
10 Cannon Drive
New Windsor, NY 12553 ✓

45-1-12
Frank & Barbara Pavlik
4 Cannon Drive
New Windsor, NY 12553 ✓

45-1-22
Charles Spreer
20 Continental Drive
New Windsor, NY 12553 ✓

37-1-48
Church of St. Helena
PO Box 426
Vails Gate, NY 12584 ✓

45-1-13
Leslie & Yolanda Herrera
2 Continental Drive
New Windsor, NY 12553 ✓

45-1-23
Timothy & Theresa Wersebe
22 Continental Drive
New Windsor, NY 12553 ✓

37-1-49
The McQuade Foundation
PO Box 4064
New Windsor, NY 12553 ✓

45-1-14
James McArdle
4 Continental Drive
New Windsor, NY 12553 ✓

45-1-24
Lucille Greiner
24 Continental Drive
New Windsor, NY 12553 ✓

45-3-6
Kathy &
Apostolos Amanatides
12 Cannon Dr.
New Windsor, NY 12553 ✓



45-3-7 MILDRED GATLING 14 CANNON DR. NEW WINDSOR, NY 12553 ✓	45-4-12 CHRISTOPHER & GAIL CINNANTE 6 CANNON DR. NEW WINDSOR, NY 12553 ✓	49-4-1 KENNETH & CAROL PICK 21 PARADE PL. NEW WINDSOR, NY 12553 ✓
45-4-2 ROBERT & ANNETTE GAYDOS 19 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-13 JAMES & PAULA BRESNAN 8 CANNON DR. NEW WINDSOR, NY 12553 ✓	49-4-2 THERESA RUSSO 27 PROVOST DR. NEW WINDSOR, NY 12553 ✓
45-4-3 ALFREDO & ELIZABETH LAVIGAT 17 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-14 MICHAEL & EILEEN DOWD 23 PARADE PL. NEW WINDSOR, NY 12553 ✓	49-4-3 JOSEPH & LYDIA COMO 25 PROVOST DR. NEW WINDSOR, NY 12553 ✓
45-4-4 JOSEPH CARDONA 15 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-15 RICHARD BITTLES 25 PARADE PL. NEW WINDSOR, NY 12553 ✓	49-5-1 DAVID & KATHLEEN BLACK 5 CANNON DR. NEW WINDSOR, NY 12553 ✓
45-4-5 REYNALDO CORREA 13 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-16 MARC & CATHERINE MOREA 27 PARADE PL. NEW WINDSOR, NY 12553 ✓	49-5-2 ARTHUR & GESELLE MAY 704 BLOOMING GROVE TPKE. NEW WINDSOR, NY 12553 ✓
45-4-6 MAURICE PICARD 11 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-17 JAMES & VERONICA KELLY 29 PARADE PL. NEW WINDSOR, NY 12553 ✓	49-5-29 MARK AULOGIA 30 PROVOST DR. NEW WINDSOR, NY 12553 ✓
45-4-7 KEVIN QUINN 9 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-18 MARGARET & JEFFREY PAGANO 31 PARADE PL. NEW WINDSOR, NY 12553 ✓	49-6-1 CHARLES GREENEY 2 ROCKY LN. NEW WINDSOR, NY 12553 ✓
45-4-8 MICHELE AHEARN & JOSEPH SMITH 7 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-19 WILLIAM BRETNALL 33 PARADE PL. NEW WINDSOR, NY 12553 ✓	49-6-2 KURT OTTWAY JR. & DOROTHY META 1 ROCKY LN. NEW WINDSOR, NY 12553 ✓
45-4-10 CARLOS & ADELE TORRES 3 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	45-4-20 KEVIN & JENNIFER DOYLE 35 PARADE PL. NEW WINDSOR, NY 12553 ✓	49-6-3 JACQUELINE COFFEE 3 ROCKY LN. NEW WINDSOR, NY 12553 ✓
45-4-11 BERNARD & SELENE MCCOURTNEY 1 CONTINENTAL DR. NEW WINDSOR, NY 12553 ✓	49-3-3 GLENN GIAMETTA 20 PARADE PL. NEW WINDSOR, NY 12553 ✓	

● TOWN OF NEW WINDSOR ●
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 07-05-07 mm

DATE: 07-05-07 PROJECT NUMBER: ZBA# 07-31 P.B. # _____

APPLICANT NAME: FRANCIS BEDETTI, III

PERSON TO NOTIFY TO PICK UP LIST:

Francis Bedetti
5 Continental Drive
New Windsor, NY 12553

TELEPHONE: 562-2810

TAX MAP NUMBER: SEC. 45 BLOCK 4 LOT 9
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: 5 CONTINENTAL DRIVE
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1088

TOTAL CHARGES: _____



RESULTS OF Z.B.A. MEETING OF: June 25, 2007

PROJECT: Francis Bedetti III ZBA # 07-31

P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lo S) I VOTE: A 4 N 0

★
GANN A
LUNDSTROM A
LOCEY A
TORPEY A
~~RE~~ _____

CARRIED: Y ✓ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Need larger plot plan for P.H.

June 25, 2007 Agenda





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

6-14-07
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

- I. **Owner Information;** e-mail address: Cell 629-5101
Francis Christine Bennett Phone Number: () 562-2810
(Name) Fax Number: ()
5 Continental Dr.
(Address)
- II. **Applicant:** e-mail address: _____
SAME Phone Number: ()
(Name) Fax Number: ()

(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)
NA
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)

(Address)
- V. **Property Information:**
Zone: R-4 Property Address in Question: SAME
Lot Size: _____ Tax Map Number: Section 45 Block 7 Lot 9
a. Is pending sale or lease subject to ZBA approval of this Application? NO
b. When was property purchased by present owner? 415
c. Has property been subdivided previously? NO If so, When: _____
d. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section_____, Table of_____ Regs., Col. _____.

Describe proposal: _____

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>		<u>Proposed or Available</u>		<u>Variance Request</u>	
	<i>Shed</i>	<i>addit</i>	<i>Shed</i>	<i>addit</i>	<i>Shed</i>	<i>addit</i>
Min. Lot Area						
Min. Lot Width						
Reqd. Front Yd.						
Reqd. Side Yd.						
Reqd. Rear Yd.	<i>10'</i>	<i>20'</i>	<i>3'</i>	<i>13.5</i>	<i>7'</i>	<i>6.5</i>
Reqd. St Front*	<i>10'</i>	<i>2</i>	<i>3'</i>		<i>7'</i>	
Total Side Yd		<i>40'</i>		<i>29.3'</i>		<i>10.7</i>
Max. Bldg. Hgt.						
Min. Floor Area*						
Dev. Coverage*						
Floor Area Ration**						
Parking Area						

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; NO
2. Whether the requested area variance is substantial; NO
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO
4. Whether the alleged difficulty was self-created. NO

****After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:**

Existing shed, more space needed for
family growth

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

14 day of June 2007.

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01CA6073319
Commission Expires April 22, 2010

Cheryl L. Canfield
Signature and Stamp of Notary

[Signature]
Owner's Signature (Notarized)

Francis Beckett III
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Francis & Christine Bevel</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>5 Continental Dr</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>Cannon Dr & Continental Dr</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Living Room & Family Room addition</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>192.59</i> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>Alla Vanner Michel</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Francis Bevel, III</i>	Date: <i>6-14-07</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (if different from responsible officer)</p>
<p>_____ Date</p>	



TOWN OF NEW WINDSOR
(845) 563-4615 (MYRA MASON)
ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.


**

**LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:**

**APPROXIMATE COST FOR
PUBLIC HEARING LIST:**

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

 **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN
CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE
COPY OF ALL PAPERWORK (unless otherwise specified).**

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH "NOTICES OF PUBLIC HEARING" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

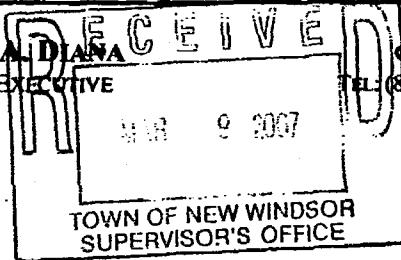
Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA
COUNTY EXECUTIVE



124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER

5 March, 2007

POLICY REMINDER**REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;